

**UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK**

**IN RE:**

**OTAL INVESTMENT V.**

**DOCUMENT #**

**217**

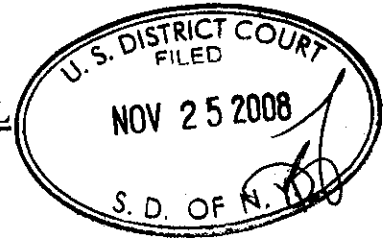
**Date: November 25, 2008**

**U.S.C.A.# 08-3031-cv**

**U.S.D.C.# 03-CV-4304**

**D.C. JUDGE: HAROLD BAER**

**INDEX TO THE RECORD ON APPEAL**



**Prepared by (Name) George Ortiz**

**Firms Name: Counsel Press LLC**

**c/o Vandeventer Black LLP**

**Holland & Knight LLP**

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**New York, New York 10018**

**Firms Phone Number: 212-685-9800**

**SEE ATTACHED LIST, ALL CIRCLED DOCUMENTS ARE INCLUDED.**

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**(xxx) Original Record**

**( ) Supplemental Record**

**The record in the above-entitled case was indexed to the U.S.C.A. for the  
Second Circuit on the 25th day of November, 2008.**

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

IN RE:

OTAL INVESTMENT V.

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Date: November 25, 2008

U.S.C.A.# 08-3031-cv

U.S.D.C.# 03-CV-4304

D.C. JUDGE: HAROLD BAER

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 216, inclusive, constitutes the Original record on appeal in the above-entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
<u>3/2/06</u>	<u>Motion for an order amending the Court's</u> <u>Judgment.</u>
<u>7/8/08</u>	<u>Affidavit of Service of Amended Notice</u> <u>of Appeal and forms C and D.</u>
<u>1/18/08 (doc #198)</u>	<u>Notice (<u>ECF</u>)</u>

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 25th Day of November In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233<sup>rd</sup> year.

J. Michael McMahon

By \_\_\_\_\_

Deputy Clerk

APPEAL, CASREF, LEAD, REOPEN

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:03-cv-04304-HB-DFE**  
**Internal Use Only**

In Re: Otal Investment, et al v.  
Assigned to: Judge Harold Baer  
Referred to: Magistrate Judge Douglas F. Eaton  
Demand: \$0  
Member case: ([View Member Case](#))  
Related Cases: [1:03-cv-09962-HB](#)  
[1:04-cv-01107-HB](#)  
Cause: 46:183 Limitation of Liability

Date Filed: 06/12/2003  
Jury Demand: None  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
08/10/1995	<a href="#">140</a>	MEMORANDUM AND ORDER;... for the reasons stated herein, I deny the motion (docket item #127), made by Mr. Kimball on behalf of Otal Investments... (Signed by Judge Douglas F. Eaton on 8/9/05; copies faxed and mailed by Chambers. (dj, ) Modified on 8/11/2005 (dj, ). (Entered: 08/11/2005)
06/12/2003	<a href="#">1</a>	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 476387. (gf) (Entered: 06/13/2003)
06/12/2003	<a href="#">2</a>	RULE 7.1 CERTIFICATE filed by Otal Investment . (gf) (Entered: 06/13/2003)
06/12/2003		Magistrate Judge Douglas F. Eaton is so designated. (gf) (Entered: 06/13/2003)
06/13/2003	<a href="#">3</a>	MEMO-ENDORSEMENT on Affidavit of Value and of pending freight; regarding the valuation of M/V Kariba . ( signed by Judge Harold Baer Jr. ); (kw) (Entered: 06/16/2003)
06/13/2003	<a href="#">4</a>	Interim Stipulation for value and Stipulation for Costs/ ORDER, regarding the stipulation for value and for costs between the plaintiff and the United Kingdom Mutual Steam Ship Assurance Association (Bermuda) Limited . ( signed by Judge Harold Baer Jr. ); (kw) (Entered: 06/16/2003)
06/13/2003	<a href="#">5</a>	ORDER, for an interim stipulation for value . ( signed by Judge Harold Baer Jr. ); (kw) (Entered: 06/16/2003)
06/13/2003	<a href="#">6</a>	ORDER, directing notice to issue and enjoining suits and directing filing of claims . ( signed by Judge Harold Baer Jr. ); (kw) (Entered: 06/16/2003)
06/27/2003	<a href="#">7</a>	Letter filed by Judge Baer addressed to John D. Kimball, Esq. from Anne Sherlock, Secretary, dated 6/27/03; Re: there will be a pretrial conference on 9/18/03 at 2:20 p.m. in Room 2230. (sac) (Entered: 07/01/2003)
06/27/2003		PRETRIAL CONFERENCE set at 3:40 9/18/03 before Judge Harold Baer Jr. (sac) (Entered: 07/01/2003)
07/01/2003	<a href="#">8</a>	AFFIDAVIT OF SERVICE of complaint, notice of complaint as to parties on attached service list by U.S. Postal Service on 6/30/03 . . (yv) (Entered: 07/02/2003)
07/11/2003	<a href="#">9</a>	AFFIDAVIT OF SERVICE of summons and complaint by U.S. Postal Service on 7/10/03 as to Volvo Transport Corp., Volvo Car Corp., Zurich Int'l. (UK) Ltd., CNA Insurance, IF Skadeforsakring AB, Forsakringsbolaget Zurich, Navigators Insurance Co. . (dle) (Entered: 07/14/2003)
08/12/2003	<a href="#">19</a>	CLAIM of Zurich Insurance Co., Alpina Insurance Co., Gerling Insurance, David Green Hill, Liebherr, LCT Liebherr, Liebherr-Werk Nenzig, Liebherr America, E.H. Harms GMBH, BMW of North America . (moc) (Entered: 08/25/2003)
08/12/2003	<a href="#">20</a>	RULE 7.1 CERTIFICATE filed by Zurich Insurance Co., Alpina Insurance Co., Gerling Insurance, David Green Hill, Liebherr, LCT Liebherr, Liebherr-Werk Nenzig, Liebherr America, E.H. Harms GMBH, BMW of North America . (moc) (Entered: 08/25/2003)
08/12/2003	<a href="#">21</a>	ANSWER to Complaint by Gerling Insurance, David Green Hill, Liebherr, LCT Liebherr, Liebherr-Werk Nenzig, Liebherr America, E.H. Harms GMBH, BMW of North America (Attorney Raman Badiak from the Firm: Badiak, Will & Ruddy) . (moc) (Entered: 08/25/2003)
08/14/2003	<a href="#">10</a>	RULE 7.1 CERTIFICATE filed by John Deere Werke Manheim, Lloyd's Syndicate and Deere & Co., Timberjack AB Harvester Plant, John Deere Construction, Brad Bowers, Volvo Car Corporation, Volvo Cars of North America, Zurich International, CNA Maritime, IFP&C Insurance, Forsakringsbolaget, Navigators Insurance, Euro Machinery, Superior Used Equipment, AXA-UK, AXA-Canada, Wilco Machinery, FCI Equipment, Telco, AIS Construction, Stevenson Equipment, Aring Equipment, Komatsu Utility, Komatsu America Corporation, Komatsu America International, The Tokio Marine and Fire Insurance, Nacco Materials, Nacco Materials, ACE USA, Roundo AB, Samuel Shapiro, Sandvik SRP, Aggregate Crusher Spec., Hansson Aggregates, Lanini SpA, Landini USA and Fireman's Fund. (sb) (Entered: 08/19/2003)

08/14/2003	11	ANSWER to Petition from Exoneration from or Limitation of Liability by John Deere Werke Manheim, Lloyd's Syndicate and Deere & Co., Timberjack AB Harvester Plant, John Deere Construction, Brad Bowers, Volvo Car Corporation, Volvo Cars of North America, Zurich International, CNA Maritime, IIP&C Insurance, Forsakringsbolaget, Navigators Insurance, Euro Machinery, Superior Used Equipment, AXA-UK, AXA-Canada, Wilco Machinery, FCI Equipment, Telco, AIS Construction, Stevenson Equipment, Aring Equipment, Komatsu Utility, Komatsu America Corporation, Komatsu America International, The Tokio Marine and Fire Insurance, Nacco Materials, Nacco Materials, ACE USA, Roundo AB, Samuel Shapiro, Sandvik SRP, Aggregate Crusher Spec., Hansson Aggregates, Lanini SpA, Landini USA and Fireman's Fund. (Attorney from the Firm: Hill Rivkins Hayden LLP) . (sb) Modified on 08/19/2003 (Entered: 08/19/2003)
08/14/2003	12	RULE 7.1 CERTIFICATE filed by Bayerische Motoren Werke, BMW of North America LLC, Haftpflichtverband, XL Winterthur Int'l, AIG Europe, DBV Winterthur, Gerling Allgemeine, AXA Corporate, and Allianz Marine & Aviation. (sb) (Entered: 08/19/2003)
08/14/2003	13	ANSWER to Petition for Exoneration from or Limitation of Liability by Bayerische Motoren Werke, BMW of North America LLC, Haftpflichtverband, XL Winterthur Int'l, AIG Europe, DBV Winterthur, Gerling Allgemeine, AXA Corporate, and Allianz Marine & Aviation. (Attorney from the Firm: Hill Rivkins & Hayden LLP) . (sb) (Entered: 08/19/2003)
08/14/2003	14	RULE 7.1 CERTIFICATE filed by Saab Automobile AB, SAAB Cars USA Inc., Allianz Marine & Aviation Versicherungs AG, Zurich Global Energy, and American International Marine Agency. (sb) (Entered: 08/19/2003)
08/14/2003	15	ANSWER to Petition for Exoneration from or Limitation of Liability by Saab Automobile AB, SAAB Cars USA Inc., Allianz Marine & Aviation Versicherungs AG, Zurich Global Energy, and American International Marine Agency. (Attorney from the Firm: Hill Rivkins & Hayden LLP). (sb) (Entered: 08/19/2003)
08/14/2003	16	RULE 7.1 CERTIFICATE filed by Augusta Assicurazioni, CNH Italia SpA, CNH Trade NV, New Holland North America, Inc., FedEx Trade Networks, O&K Orenstein & Koppel AG, Case Corporation and Tower Group International. (sb) (Entered: 08/20/2003)
08/14/2003	17	CLAIM of Augusta S.p.A., CNH Italia S.p.A., CNH Trade N.V., New Holland North, Fedex Trade Networks, O&K Orenstein, Case Corporation. (sb) (Entered: 08/20/2003)
08/14/2003	18	ANSWER to Complaint by Augusta S.p.A., CNH Italia S.p.A., CNH Trade N.V., New Holland North, Fedex Trade Networks, O&K Orenstein, Case Corporation and (Attorney from the Firm: Burke & Parsons). (sb) (Entered: 08/20/2003)
08/28/2003	22	Memo-Endorsement on letter addressed to Judge Baer from Keith W. Heard, dated 8/18/03. Counsel for cargo claimants requests that the court accept their filing of a claim. I have no doubt that you have recounted your conduct accurately and will accept the papers as timely. Please be sure chambers has them . ( signed by Judge Harold Baer Jr. ) (sb) (Entered: 09/04/2003)
08/28/2003	24	RULE 7.1 CERTIFICATE filed by Augusta S.p.A., CNH Italia S.p.A., CNH Trade N.V., New Holland North, Fedex Trade Networks, O&K Orenstein, Case Corporation and. (dj) (Entered: 09/08/2003)
08/29/2003	23	NOTICE of claims filed by Otal Investment . (dle) (Entered: 09/04/2003)
09/17/2003	25	AFFIDAVIT of Publication in NY Law Journal, by Otal Investment (cd) (Entered: 09/22/2003)
09/19/2003	26	PRETRIAL SCHEDULING ORDER: no additional parties may be joined after 12/14/03; no additional causes of action or defenses may be asserted after 12/31/05; all discovery shall be commenced in time to be completed by 12/31/05; no party may make a dispositive motion returnable after 6/30/06; a joint pretrial order shall, unless waived by the Court, is to be submitted by 10/15/06; estimated number of non-jury trial is 21 days. This case is added to the 11/06 Trailing Trial Calendar. ( signed by Judge Harold Baer Jr. ); (sac) (Entered: 09/22/2003)
12/05/2003	30	PRETRIAL SCHEDULING ORDER: no additional parties joined after 12/19/03; no additional defenses asserted after 12/31/04; dispositive motions due 7/15/05; a joint pre-trial order due 10/1/05; a non-jury trial is added to the October 2005 trailing trial calendar, estimated at 21 days.(Signed by Judge Harold Baer on 12/4/03) (db, ) (Entered: 12/18/2003)
12/15/2003	27	RULE 7.1 DISCLOSURE STATEMENT. Document filed by N.V. Fortis Corporate Insurance.(Gencarello, John) (Entered: 12/18/2003)
12/15/2003	28	CLAIM. Document filed by N.V. Fortis Corporate Insurance. (Gencarello, John) (Entered: 12/18/2003)
12/15/2003	29	ANSWER to Petition for Exoneration from or Limitation of Liability. Document filed by N.V. Fortis Corporate Insurance. (Gencarello, John) (Entered: 12/18/2003)
12/17/2003	31	THIRD PARTY COMPLAINT against M.V. Clary, Mineral Shipping Co., UND Transport GmbH, MST Mineralien Schifffahrt Spedition, Clary Shipping PTE Ltd., Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA, Actinor Car Carrier I As, Capital Bank Public Limited Company.Document filed by Otal Investment Limited.(cd, ) (Entered: 01/08/2004)
01/08/2004	34	NOTICE of Change of Address by Keith W. Heard on behalf of Augusta Assicurazioni S.p.A. New Address: Burke & Parsons, 1114 Avenue of the Americas, New York, New York, 10036-7743, (212) 354-3800. (sac, ) (Entered: 01/21/2004)
01/13/2004	32	SUMMONS RETURNED EXECUTED Summons and Third Party Complaint, served. Wallenius Wilhelmsen Lines AS served on 12/19/2003, answer due 1/8/2004. Service was accepted by Sheikh Bakker, Managing Agent/Claims Department. (sac, ) (Entered: 01/15/2004)

01/15/2004	(33)	AFFIDAVIT OF SERVICE of Summons and Third Party Complaint. Augusta Assicurazioni S.p.A. served on 12/18/2003, answer due 1/7/2004; Zurich Insurance Co. served on 12/18/2003, answer due 1/7/2004. Service was accepted by personal service to attorneys. (sb, ) (Entered: 01/20/2004)
02/02/2004	(35)	AFFIDAVIT OF SERVICE of Copy of Claim and Answer to Petition for Exoneration From or Limitation of Liability served on Attorneys for Zurich et al. Claimants and Attorneys for Augusta et al. Claimants on 12/30/03. Service was made by MAIL. Document filed by N.V. Fortis Corporate Insurance. (jco, ) (Entered: 02/03/2004)
02/02/2004	(36)	AFFIDAVIT OF SERVICE of Claim and Answer to Petition for Exoneration From or Limitation of Liability on 1/28/04. Service was made by mail to Chester D. Hooper, Esq. (sb, ) (Entered: 02/03/2004)
02/03/2004	(37)	MOTION (FILED ON SERVICE DATE) for Summary Judgment. Document filed by Otal Investment Limited. Return Date set for 2/27/2004 before Judge Harold Baer. Affidavit of John D. Kimball in support attached.(sac, ) (Entered: 02/09/2004)
02/03/2004	(38)	MEMORANDUM OF LAW in Support re: 37 MOTION (FILED ON SERVICE DATE) for Summary Judgment. Document filed by Otal Investment Limited. (sac, ) (Entered: 02/09/2004)
02/03/2004	(39)	RULE 56.1 STATEMENT. Document filed by Otal Investment Limited. (sac, ) (Entered: 02/09/2004)
02/11/2004	(40)	RULE 7.1 DISCLOSURE STATEMENT. Document filed by United Services Automobile Association, ASI Auto Shipment GmbH, Ted L. Rausch Co., E.H. Harms GMBH & Co. (sac, ) (Entered: 02/18/2004)
02/11/2004	(41)	ANSWER TO PETITION for Exoneration from or limitation of liability. Document filed by Charles Broomfield, Morgan Moon, Patricia York, ASI Auto Shipment GmbH, E.H. Harms GMBH & Co., Ted L. Rausch Co., United Services Automobile Association.(sac, ) (Entered: 02/18/2004)
02/11/2004	(42)	CLAIM: THAT PLAINTIFF'S REQUEST FOR EXONERATION FROM OR LIMITATION OF LIABILITY BE DENIED; THAT CLAIMANTS SAID CLAIMS BE ALLOWED IN FULL AGAINST PLAINTIFF INCLUDING INTEREST AND COSTS. Document filed by United Services Automobile Association, ASI Auto Shipment GmbH, Charles Broomfield, Morgan Moon, Ted L. Rausch Co., E.H. Harms GMBH & Co., Patricia York. (db, ) (Entered: 02/18/2004)
02/24/2004	(43)	STIPULATION AND ORDER; that the time for Third-Party Defendants to answer or otherwise move or respond to the Third Party Complaint of Plaintiff and Third Party Plaintiff, Otal Investments Ltd., in this action shall be extended up to and including 3/5/04. (Signed by Judge Harold Baer on 2/22/04) (pl, ) (Entered: 03/01/2004)
02/26/2004		Set Answer Due Date purs. to 43 Stipulation and Order, as to Actinor Car Carrier I As answer due on 3/5/2004; Capital Bank Public Limited Company answer due on 3/5/2004; Wallenius Wilhelmsen Lines AS answer due on 3/5/2004; Wilh. Wilhelmsen ASA answer due on 3/5/2004. (pl, ) (Entered: 03/01/2004)
03/05/2004	(44)	ANSWER to Third Party Complaint., CROSSCLAIM against M.V. Clary., COUNTERCLAIM against Otal Investment Limited. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA.(dle, ) (Entered: 03/09/2004)
03/05/2004	(45)	AFFIDAVIT of Chester D. Hooper in Response to the 37 MOTION for Partial Summary Judgment. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA. (tp, ) (Entered: 03/11/2004)
03/05/2004	(46)	MEMORANDUM OF LAW in Support of the Response to the 37 MOTION for Summary Judgment.Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA. (tp, ) (Entered: 03/11/2004)
03/05/2004	(47)	COUNTER STATEMENT TO 39 Rule 56.1 Statement, Motion for Partial Summary Judgment and Third-Party Defendants Local Rule 56.1 Statement in Support of Third Party defendants' Response to Plaintiff and Third Party Plaintiffs Motion. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA. (tp, ) (Entered: 03/11/2004)
03/08/2004	(48)	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA.(sac, ) (Entered: 03/12/2004)
03/10/2004	(49)	RULE 7.1 DISCLOSURE STATEMENT. Document filed by MST Mineralien Schifffahrt Spedition.(db, ) (Entered: 03/15/2004)
03/10/2004	(50)	ANSWER to Third Party Complaint. Document filed by MST Mineralien Schifffahrt Spedition.(db, ) (Entered: 03/15/2004)
03/10/2004	(51)	RESPONSE re: 28 Claim. Document filed by MST Mineralien Schifffahrt Spedition. (db, ) (Entered: 03/15/2004)
03/10/2004	(52)	RESPONSE to Claim filed by Saab Automobile AB, Saab Deutschleand GMBH, SAAB Cars USA, Inc., Allianz Marine & Aviation Versicherungs AG, Zurich Global Energy, and American International Marine Agency. Document filed by MST Mineralien Schifffahrt Spedition. (db, ) (Entered: 03/15/2004)
03/10/2004	(53)	RESPONSE re: 17 Claim. Document filed by MST Mineralien Schifffahrt Spedition. (db, ) (Entered: 03/15/2004)
03/10/2004	(54)	RESPONSE re: 19 Claim. Document filed by MST Mineralien Schifffahrt Spedition. (db, ) (Entered: 03/15/2004)
03/10/2004	(55)	RESPONSE to claim of John Deere Werke Manheim, Lloyds Syndicate, Deere & Co. Timberjack AB Harvester Plant, John Deere Construction Equipment Company and all other claimants as further set forth in response. Document filed by MST Mineralien Schifffahrt Spedition. (db, ) (Entered: 03/15/2004)



03/19/2004	(56)	AMENDED ANSWER to 31 Third Party Complaint,. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA. (dj, ) (Entered: 03/23/2004)
03/23/2004	(57)	ANSWER to Third Party Complaint. Document filed by Clary Shipping PTE Ltd..(dj, ) (Entered: 03/25/2004)
03/24/2004	(58)	Otal Investments Limited's Reply To Counter-Claims Of Third-Party Defendants Capital Bank Public Limited Company,Actinor Car Carrier I AS, Wilh. Wilhelmsen ASA And Wallenius Wilhelmsen Lines AS. Document filed by Otal Investment Limited. (jmi, ) (Entered: 03/26/2004)
03/25/2004	(59)	AMENDED ANSWER to 31 Third Party Complaint,. Document filed by Clary Shipping PTE Ltd. (jge, ) (Entered: 03/29/2004)
03/30/2004	(60)	REPLY to re: 57 Counter-Claims to Third Party Complaint of Clary Shipping, PTE LTD. Document filed by Otal Investment Limited. (ps, ) (Entered: 03/31/2004)
03/30/2004	(61)	REPLY to Counter-Claims of Third-Party Defendant Mineral Shipping Co., Private LTD. Document filed by Otal Investment Limited. (ps, ) (Entered: 03/31/2004)
03/30/2004	(62)	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Mineral Shipping Co..(db, ) (Entered: 03/31/2004)
03/31/2004	(63)	OTAL INVESTMENTS LIMITED'S REPLY re: 44 Answer to Third Party Complaint, Crossclaim,, Counterclaim. Document filed by Otal Investment Limited. (jco, ) (Entered: 04/02/2004)
04/01/2004	(64)	ANSWER to Third Party Complaint. Document filed by Mineral Shipping Co..(dj, ) (Entered: 04/05/2004)
05/14/2004	(65)	ANSWER to Third Party Complaint. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA.(yv, ) (Entered: 05/17/2004)
08/27/2004	(66)	CONSOLIDATION ORDER; the captioned cases (03 cv 4304, 03 cv 9962 and 04 cv 1107) are consolidated for all purposes purs to FRCP 42(a); In re Otal Investments Ltd, 03 cv 4304 is designated the lead case in this consolidated action; Pursuant to FRCP 42(a), the Clerk of the Court is to remove Augusta Assicurazioni S.p.A. v. Wallenius Wilhelmsen Lines AS et al., 03 cv 9962 and Zurich Insurance Co., et al. v. M/V, et al, 04 cv 1107 from my docket as separate cases; the 9/19/03 Pretrial Scheduling Order in the lead case, In re Otal Investments Ltd.,, 03 cv 4304, which provides that no additional parties may be joined after 12/14/03; no additional causes of action or defenses may be asserted after 12/31/05; all discovery shall be commenced in time to be completed by 12/31/05; no party may make a dispositive motion returnable after 06/30/06; a joint pretrial order shall, unless waived by the Court, is to be submitted by 10/15/06; estimated number of non-jury trial is 21 days; this case is added to the 11/06 Trailing Trial Calendar, shall govern all three consolidated cases; (Signed by Judge Harold Baer on 8/25/04) (dj, ) (Entered: 08/30/2004)
09/09/2004	(67)	ORDER, that the amended 12/4/03 PTSO in the lead case, 03-4304 shall govern all three consolidated cases. (Signed by Judge Harold Baer on 9/7/04) (cd, ) (Entered: 09/13/2004)
09/10/2004	(68)	STIPULATION AND ORDER OF DISMISSAL without prejudice and without costs. (Signed by Judge Harold Baer on 9/9/04) (ml, ) (Entered: 09/13/2004)
09/17/2004	(70)	MOTION (FILED ON SERVICE DATE) for Edward J. Powers to Appear Pro Hac Vice. Document filed by Clary Shipping PTE Ltd., MST Mineralien Schifffahrt Spedition, Mineral Shipping Co.. (jmi, ) (Entered: 09/23/2004)
09/21/2004	(69)	NOTICE OF MOTION For (FILED ON SERVICE DATE) for Judgment. Document filed by MST Mineralien Schifffahrt Spedition. (jmi, ) (Entered: 09/23/2004)
09/21/2004	(71)	MOTION (FILED ON SERVICE DATE) to Dismiss Based On The Doctrine Of Forum Non Conveniens. Document filed by Clary Shipping PTE Ltd., MST Mineralien Schifffahrt Spedition, Mineral Shipping Co., UND Transport GmbH. (jmi, ) (Entered: 09/23/2004)
09/30/2004	(72)	STIPULATION, regarding procedures that will govern the handling of confidential information. (Signed by Judge Harold Baer on 9/29/04) (cd, ) (Entered: 10/04/2004)
09/30/2004	(73)	ORDER granting 70 Motion for Edward J. Powers to Appear Pro Hac Vice . (Signed by Judge Harold Baer on 9/29/04) (jco, ) (Entered: 10/05/2004)
09/30/2004		Transmission to Attorney Admissions Clerk. Transmitted re: 73 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jco, ) (Entered: 10/05/2004)
10/12/2004	(74)	MOTION (FILED ON SERVICE DATE) to Bifurcate. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA. (jmi, ) (Entered: 10/19/2004)
10/12/2004	(75)	Tricolor's MEMORANDUM OF LAW in Support re: 74 MOTION (FILED ON SERVICE DATE) to Bifurcate.. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA. (jmi, ) (Entered: 10/19/2004)
10/13/2004	(77)	DECLARATION of James Gosling in accordance with 28 USC 1746. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS. (cd, ) (Entered: 10/21/2004)
10/18/2004	(76)	DECLARATION of Christen Guddal in accordance with 28 United States Code Section 1746. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA. (kw, ) (Entered: 10/20/2004)

11/05/2004	78	MEMORANDUM OF LAW in Opposition re: 74 MOTION (FILED ON SERVICE DATE) to Bifurcate. Document filed by Clary Shipping PTE Ltd., MST Mineralien Schifffahrt Spedition, Mineral Shipping Co., UND Transport GmbH. (kw, ) (Entered: 11/09/2004)
11/08/2004	79	MOTION (FILED ON SERVICE DATE) for Leave to File to amend third-party complaint. Annexed affidavit of John D. Kimball. Document filed by Ota Investment Limited. (kw, ) (Entered: 11/18/2004)
11/15/2004	80	MEMORANDUM OF LAW in Support re: 79 MOTION (FILED ON SERVICE DATE) for Leave to File to amend third-party complaint. Document filed by Ota Investment Limited. (kw, ) (Entered: 11/18/2004)
11/23/2004	81	STIPULATION: the return date of the motion by Wallenius Wilhelmsen Lines, AS, Capital Bank Public Limited Company, Wilhelmsen Lines Shipowning AS, Actinor Car Carrier I AS and Wilh. Wilhelmsen ASA, the owners and managers of the M/VTICOLOR for bifurcation be adjourned from 11/19/04 to 1/7/05. (Signed by Judge Victor Marrero, (part I) on 11/19/04) (db, ) (Entered: 11/24/2004)
11/30/2004	82	Tricolor's MEMORANDUM OF LAW in Opposition re: 79 MOTION (FILED ON SERVICE DATE) for Leave to File to amend third-party complaint. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA. (jco, ) (Entered: 12/02/2004)
11/30/2004	83	AFFIDAVIT of Chester D. Hooper in Opposition re: 79 MOTION (FILED ON SERVICE DATE) for Leave to File to amend third-party complaint. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA. (jco, ) (Entered: 12/02/2004)
11/30/2004	84	Brief in RESPONSE to Motion re: 79 MOTION (FILED ON SERVICE DATE) for Leave to File to amend third-party complaint.. Document filed by Clary Shipping PTE Ltd., MST Mineralien Schifffahrt Spedition, Mineral Shipping Co.. (dle, ) (Entered: 12/02/2004)
12/02/2004	85	STIPULATION AND ORDER that the Third-Party Defendants, Clary Shipping, Pte., Ltd., Mineral Shipping Co., Private, Ltd., and MST Mineralien Schifffahrt Spedition und Transport, GmbH's motion to dismiss- Forum Non Conveniens is withdrawn; motion on the pleadings is withdrawn; that Cargo Claimants in this action are deemed to have adopted the allegations of the Third-Party Complaint filed 12/17/03 pursuant to F.R.C.P. 14(c). Each counterpart of this stipulation shall constitute an original. So Ordered. (Signed by Judge Harold Baer on 12/1/04) (jco, ) (Entered: 12/03/2004)
12/03/2004	86	REPLY MEMORANDUM OF LAW in Support re: 79 MOTION (FILED ON SERVICE DATE) for Leave to File to amend third-party complaint.. Document filed by Ota Investment Limited. (pa, ) (Entered: 12/06/2004)
12/06/2004	87	MEMORANDUM OF LAW in Opposition re: 74 MOTION (FILED ON SERVICE DATE) to Bifurcate.. Document filed by Zurich Insurance Co.. (jmi, ) (Entered: 12/07/2004)
12/07/2004	88	AFFIDAVIT of John D. Kimball in Opposition re: 74 MOTION (FILED ON SERVICE DATE) to Bifurcate.. Document filed by Ota Investment Limited. (pa, ) (Entered: 12/08/2004)
12/07/2004	89	MEMORANDUM OF LAW in Opposition re: 74 MOTION (FILED ON SERVICE DATE) to Bifurcate.. Document filed by Ota Investment Limited. (pa, ) (Entered: 12/08/2004)
12/10/2004	90	AMENDED STIPULATION AND ORDER OF DISMISSAL without prejudice and without costs.... (Signed by Judge Harold Baer on 12/9/04) (jf, ) (Entered: 12/13/2004)
12/10/2004	91	MEMORANDUM OF LAW in Opposition re: 74 MOTION (FILED ON SERVICE DATE) to Bifurcate.. Document filed by ASI Auto Shipment GmbH, Alpina Insurance Co., Augusta Assicurazioni S.p.A., BMW of North America LLC, Charles Broomfield, CNH Italia S.p.A., CNH Trade N.V., Case Corporation and Tower Group International, E.H. Harms GMBH & Co., Fedex Trade Networks Transport & Brokerage, Inc., Gerling Insurance Co., David Green Hill, LCT Liebherr Concrete Technologie, Liebherr America, Inc., Liebherr-Mischtechnik GMBH, Liebherr-Werk Nenzig GMBH, Morgan Moon, N.V. Fortis Corporate Insurance, New Holland North America Inc., O&K Orenstein & Koppel A.G., Ted L. Rausch Co., United Services Automobile Association, Patricia York, Zurich Insurance Co.. (jp, ) (Entered: 12/14/2004)
12/10/2004	92	DECLARATION of Steven D'Hoine. (jp, ) (Entered: 12/14/2004)
12/14/2004	93	MOTION (FILED ON SERVICE DATE) for Leave to File amended third-party complaint. Document filed by Ota Investment Limited. (kw, ) (Entered: 12/16/2004)
12/14/2004	94	MEMORANDUM OF LAW in Support re: 93 MOTION (FILED ON SERVICE DATE) for Leave to File amended third-party complaint. Document filed by Ota Investment Limited. (kw, ) (Entered: 12/16/2004)
12/14/2004	95	ORDER granting 79 Motion for Leave to File Document, granting 93 Motion for Leave to File Document . The Clerk of the Court is instructed to close this motion. (Signed by Judge Harold Baer on 12/13/04) (pl, ) (Entered: 12/22/2004)
12/28/2004	96	ORDER that Ota's motion for leave to to amend its third party complaint is granted. The clerk of the court is instructed to close this motion; this amended order will be entered and replace the 12/13/04 order nunc pro tunc. (Signed by Judge Harold Baer on 12/28/04) (dle, ) (dle, ) (Entered: 01/03/2005)
01/04/2005	98	AFFIDAVIT of Chester D. Hooper in Opposition re: 93 MOTION (FILED ON SERVICE DATE) for Leave to File amended third-party complaint.. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA. (dle, ) (Entered: 01/10/2005)
01/04/2005	99	TRICOLOR MEMORANDUM OF LAW in Opposition re: 93 MOTION (FILED ON SERVICE DATE) for Leave to File amended third-party complaint.. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA. (dle, ) (Entered: 01/10/2005)

01/05/2005	(97)	FIRST AMENDED VERIFIED THIRD PARTY COMPLAINT against Capital Bank Public Limited Co., Actinor Car Carrier I AS, Wilh. Wilhelmsen Asa, Wallenius Wilhelmsen Lines As, Clary Shipping Pte Ltd., MST Mineralien Schiffahrt Spedition UND Transport GmbH, Mineral Shipping Co. Private Ltd., and M.V. Clary, in rem. Document filed by Otal Investment Limited. (jco, ) (Entered: 01/10/2005)
01/07/2005	(100)	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from Chester D. Hooper dated 1/6/05 re: requesting an adjournment of the return date of pending motions to 1/14/05. So Ordered. (Signed by Judge Harold Baer on 1/7/05) (kw, ) (Entered: 01/13/2005)
01/18/2005	(101)	ENDORSED LETTER addressed to Judge Harold Baer from John Kimball dated 1/14/05 re: counsel for parties advise the court that they reached an agreement which will result in the withdrawal of both parties' motions and request that the return date on the two motions be extended to 1/21/05. January 21 is fine with me so long as it does not interfere with any time table on PTSO. (Signed by Judge Harold Baer on 1/14/05) (dle, ) (Entered: 01/25/2005)
01/24/2005	(103)	MEMORANDUM OF LAW in Reply to Tricolor's Opposition to Kariba's Second Motion to Amended Third Party Complaint; Document filed by Clary Shipping PTE Ltd., Mineral Shipping Co. Private Ltd., MST Mineralien Schiffahrt Spedition Und Transport GmbH. (dj, ) (Entered: 02/03/2005)
01/25/2005	(102)	ENDORSED LETTER addressed to Judge Harold Baer from Edward J. Powers dated 1/21/05 re: counsel for Clary requests an adjournment of the return date from 1/24/05 to 1/31/05. So Ordered. (Signed by Judge Harold Baer on 1/21/05) (dle, ) (Entered: 02/01/2005)
01/25/2005	(105)	NOTICE OF FOREIGN LAW PURSUANT TO RULE 44.1 OF THE FED. R. CIV. P.. Document filed by Clary Shipping PTE Ltd., Mineral Shipping Co. Private Ltd., MST Mineralien Schiffahrt Spedition Und Transport GmbH. (sac, ) (Entered: 02/08/2005)
02/01/2005	(104)	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from Chester D. Hooper dated 1/28/05; re: request the return date on the two motions is extended to 2/4/05, is fine but lets try and wrap it up by than. (Signed by Judge Harold Baer on 1/31/05) (sac, ) (Entered: 02/07/2005)
02/10/2005	(106)	CONSENT ORDER that the motions by Kariba and Tricolor that are now returnable on 2/4/05 shall be withdrawn on the consent of the parties. (Signed by Judge Harold Baer on 2/10/05) (dle, ) (Entered: 02/14/2005)
02/22/2005	(107)	MEMORANDUM OF LAW in Opposition to motion of third-party defendant M/V Clary in rem to dismiss Otal's claim. Document filed by Otal Investment Limited. (yv, ) (Entered: 03/01/2005)
02/22/2005	(108)	MEMORANDUM OF LAW in Opposition to the M/V Clary parties' motion in limine regarding the applicability of the Brussels Collision Convention of 1910. Document filed by Otal Investment Limited. (yv, ) (Entered: 03/01/2005)
02/22/2005	(109)	AFFIDAVIT of John D. Kimball in Opposition to motion of third-party defendant M/V Clary in rem to dismiss Otal's claim. Document filed by Otal Investment Limited. (yv, ) (Entered: 03/01/2005)
02/22/2005	(110)	AFFIDAVIT of John D. Kimball in Opposition to third-party defendants' motion in limine regarding the applicability of the Brussels Collision Convention of 1910. Document filed by Otal Investment Limited. (yv, ) (Entered: 03/01/2005)
02/23/2005	(111)	CLAIMANT'S MEMORANDUM OF LAW in Opposition to the Kariba's Motion In Limine Regarding the Applicability of Collision Convention 1910. Document filed by Alpina Insurance Co., Gerling Insurance Co., David Green Hill, Liebherr-Mischtechnik GMBH, LCT Liebherr Concrete Technologie, Liebherr-Werk Nenzig GMBH, Liebherr America, Inc., E.H. Harms GMBH & Co., BMW of North America LLC, Augusta Assicurazioni S.p.A., CNH Italia S.p.A., N.V. Fortis Corporate Insurance, United Services Automobile Association, ASI Auto Shipment GmbH, Ted L. Rausch Co., Charles Broomfield, Morgan Moon, Patricia York, CNH Trade N.V., New Holland North America Inc., Fedex Trade Networks Transport & Brokerage, Inc., O&K Orenstein & Koppel A.G., Case Corporation and Tower Group International. (jmi, ) (Entered: 03/04/2005)
03/03/2005	(113)	MV CLARY'S REPLY BRIEF TO OTAL'S MEMORANDUM OF LAW in Opposition to Clary's Motion to Dismiss. Document filed by M.V. Clary. (jmi, ) (Entered: 03/11/2005)
03/04/2005	(112)	REPLY Brief to Cargo Claimant's and Otal's Memoranda in opposition to Clary's motion in limine regarding the application of the Brussels collision convention of 1910. Document filed by Clary Shipping PTE Ltd., Mineral Shipping Co. Private Ltd., MST Mineralien Schiffahrt Spedition Und Transport GmbH. (kw, ) (Entered: 03/10/2005)
05/04/2005	(114)	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for 2 Discovery Disputes. Referred to Magistrate Judge Douglas F. Eaton. (Signed by Judge Harold Baer on 5/3/05) (mo, ) (Entered: 05/05/2005)
05/04/2005	(115)	MOTION (FILED ON SERVICE DATE) for Leave to File a sur-reply memorandum in opposition to Clary's in limine motion regarding the applicability of the Brussels Collision Convention of 1910. Document filed by Otal Investment Limited. Return Date set for 5/6/2005 09:00 AM. (ae, ) (Entered: 05/05/2005)
05/04/2005	(116)	SUR-REPLY BRIEF OF LAW in Opposition to Clary's Motion in Limine regarding the applicability of the Brussels Collision Convention of 1910. Document filed by Otal Investment Limited. (ae, ) (Entered: 05/05/2005)
05/05/2005	(118)	AFFIDAVIT OF SERVICE of Supplement Exhibit to the Motion In Limine served on Plaintiff and claimants, Zurich, et al, Augusta, et al, N/V Fortis Corp. on 4/25/2005. Service was made by MAIL. Document filed by UND Transport GmbH, Clary Shipping PTE Ltd., MST Mineralien Schiffahrt Spedition Und Transport GmbH. (mde, ) (Entered: 05/12/2005)
05/11/2005	(117)	TRANSCRIPT of proceedings held on 5/6/05 before Judge Harold Baer. (lma, ) (Entered: 05/11/2005)



05/18/2005	119	NOTICE of request to terminate attorney from court's docket. Document filed by Otal Investment Limited. (yv, ) (Entered: 05/27/2005)
06/14/2005	120	TRANSCRIPT of proceedings held on 5/6/05 before Judge Harold Baer. (mo, ) (Entered: 06/14/2005)
06/22/2005	121	MEMORANDUM AND ORDER; I am faxing this Memorandum and Order to the attorneys for Kariba and the attorneys for Tricolor. I direct Tricolor's Law firm to deliver a copy of this Memorandum and Order to each of the attorneys other than Kariba's attorneys. (Signed by Judge Douglas F. Eaton on 6/21/05) (sac, ) (Entered: 06/23/2005)
07/07/2005	122	ENDORSED LETTER addressed to Judge Baer from John D. Kimball dated 6/30/05 re: request for an extension of the discovery deadline to 7/29/2005. July 29 is Ok so long as you say it will not interfere with balance of Pretrial Scheduling Order which remains in full force and effect (Signed by Judge Harold Baer on 7/6/05) (yv, ) (Entered: 07/08/2005)
07/07/2005	123	ENDORSED LETTER addressed to Judge Baer from Raymond P. Hayden dated 6/28/05 re: request that the Court approve proposed bifurcation. Application denied - one case one trial - that's his motto (Signed by Judge Harold Baer on 7/6/05) (yv, ) (Entered: 07/08/2005)
07/08/2005	124	OPINION AND ORDER #91835 This civil action has been brought before the Court on a motion in limine and a motion to dismiss an in rem claim by third-party defendants Clary Shipping Pte. Ltd., MST Mineralien Schiffahrt Spedition and Transport GmbH, Mineral Shipping Co. Private Ltd. for the reasons set forth below, the Clary Interests motions are both denied. (Signed by Judge Harold Baer on 7/8/05) (djc, ) (Entered: 07/11/2005)
08/01/2005	125	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Discovery Issues. Referred to Magistrate Judge Douglas F. Eaton. (Signed by Judge Harold Baer on 7/25/2005) (jp, ) (Entered: 08/02/2005)
08/01/2005	126	MEMORANDUM AND ORDER I extend the deadline for completion of discovery to 9/28/05, but the parties should make every effort to complete it by September 23. Over Mr. Cohen's objection, I allow the parties to depose his expert Simon Rainey, Q.C. at any time between September 12 and 23, 2005. I direct Hill Rivkins & Hayden LLP to fax a copy of this Memorandum and Order to all counsel as soon as possible. So Ordered. (Signed by Judge Douglas F. Eaton on 8/1/05) "Copies Mailed By Chambers"(jco, ) (Entered: 08/02/2005)
08/01/2005		Set Deadlines/Hearings: Discovery due by 9/28/2005. (jco, ) (Entered: 08/02/2005)
08/01/2005	127	MOTION to Exclude Evidence the Opinion and Testimony of Third-Party Defendants Clary Shipping Pte. Ltd.'s MST Mineralien Schiffahrt Spedition und Transport GmbH's, Mineral Shipping Co. Private Ltd.'s and the M/V Clary's in rem (collectively "Clary") Expert Witness, Simon Rainey, Q.C., and for Such Other, Further and Different Relief as to the Court Seem Just and Proper. Document filed by Otal Investment Limited, Otal Investment Limited, Otal Investment Limited(as Owner of the M/V Kariba, for Exoneration from of Limitation of Liability), Otal Investment Limited(as Owner of the M/V Kariba, for Exoneration from of Limitation of Liability). (jmi, ) (Entered: 08/04/2005)
08/01/2005	128	MEMORANDUM OF LAW in Support of Plaintiff Otal Investment Limited's In Limine re: 127 MOTION (FILED ON SERVICE DATE).. Document filed by Otal Investment Limited, Otal Investment Limited, Otal Investment Limited(as Owner of the M/V Kariba, for Exoneration from of Limitation of Liability), Otal Investment Limited(as Owner of the M/V Kariba, for Exoneration from of Limitation of Liability). (jmi, ) (Entered: 08/04/2005)
08/05/2005	129	AFFIDAVIT of Chester D. Hooper in Support Clary's Motion in Limine Regarding Application of the Berussels Convention of 1910. Document filed by Clary Shipping PTE Ltd., Clary Shipping PTE Ltd.. (jmi, ) (Entered: 08/09/2005)
08/05/2005	130	MEMORANDUM OF LAW in Support of Clary's Motion in Limine Regarding Application of the Brussels Convention of 1910. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA. (jmi, ) Modified on 8/9/2005 (jmi, ). (Entered: 08/09/2005)
08/05/2005	131	PLAINTIFF AND THIRD-PARTY PLAINTIFF OTAL INVESTMENTS LIMITED'S MEMORANDUM OF LAW in Opposition to Clary's Motion in Limine Regarding Application of the Brussels Convention of 1910. Document filed by Otal Investments Limited. (jmi, ) Modified on 8/9/2005 (jmi, ). (Entered: 08/09/2005)
08/05/2005	132	CLAIMANTS' MEMORANDUM OF LAW in Opposition to The M/V Clary's July 28, 2005 Motion in Limine Regarding the Application of the 1910 Collision Convention. Document filed by Zurich Insurance Co., Alpina Insurance Co., Gerling Insurance Co., David Green Hill, Liebherr-Mischtechnik GMBH, LCT Liebherr Concrete Technologie, Liebherr-Werk Nenzig GMBH, Liebherr America, Inc., E.H. Harms GMBH & Co., BMW of North America LLC, Augusta Assicurazioni S.p.A., CNH Italia S.p.A., N.V. Fortis Corporate Insurance, United Services Automobile Association, ASI Auto Shipment GmbH, Ted L. Rausch Co., Charles Broomfield, Morgan Moon, Patricia York, CNH Trade N.V., New Holland North America Inc., Fedex Trade Networks Transport & Brokerage, Inc., O&K Orenstein & Koppel A.G., Case Corporation and Tower Group International. (jmi, ) (Entered: 08/09/2005)
08/05/2005	133	AFFIDAVIT of Chester D. Hooper in RESPONSE to Kariba's Motion Limine to Exclude Clary's Proffered Expert, Simon Rainey, Q.C.. Document filed by M.V. Clary, Mineral Shipping Co., UND Transport GmbH, MST Mineralien Schiffahrt Spedition, Clary Shipping PTE Ltd., Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA, Actinor Car Carrier I As, Capital Bank Public Limited Company, Clary Shipping PTE Ltd., Mineral Shipping Co. Private Ltd., MST Mineralien Schiffahrt Spedition Und Transport GmbH, Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA, M.V. Clary. (jmi, ) (Entered: 08/09/2005)
08/05/2005	134	MEMORANDUM OF LAW in Opposition to Kariba's Motion in Limine to Exclude Clary's Proffered Expert, Simon Rainey, Q.C.. Document filed by Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA, Actinor Car Carrier I As, Capital Bank Public Limited Company, Actinor Car Carrier I As, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA.

		(jmi, ) (Entered: 08/09/2005)
08/05/2005	135	CLAIMANTS' MEMORANDUM OF LAW in Support of the M/V Kariba's Motion to Exclude Third Party Defendants' Proffered Expert, Simon Rainey, Q.C.. Document filed by Zurich Insurance Co., Gerling Insurance Co., David Green Hill, Liebherr-Mischtechnik GMBH, LCT Liebherr Concrete Technologie, Liebherr-Werk Nenzig GMBH, Liebherr America, Inc., E.H. Harms GMBH & Co., BMW of North America LLC, Augusta Assicurazioni S.p.A., CNH Italia S.p.A., N.V. Fortis Corporate Insurance, United Services Automobile Association, ASI Auto Shipment GmbH, Ted L. Rausch Co., Charles Broomfield, Morgan Moon, Patricia York, CNH Trade N.V., New Holland North America Inc., Fedex Trade Networks Transport & Brokerage, Inc., O&K Orenstein & Koppel A.G., Case Corporation and Tower Group International. (jmi, ) (Entered: 08/09/2005)
08/08/2005	136	MOTION (FILED ON SERVICE DATE) for an order, pursuant to Rule 44.1 of the Federal Rules of Civil Procedure, applying to this case the entire 1910 Collision Convention, including Article 6, to the exclusion of the Pennsylvania Rule. Document filed by Clary Shipping PTE Ltd., Mineral Shipping Co. Private Ltd., MST Mineralien Schifffahrt Spedition Und Transport GmbH. (jco, ) (Entered: 08/10/2005)
08/09/2005	137	REPLY MEMORANDUM OF LAW in Support re: 127 MOTION (FILED ON SERVICE DATE). Document filed by Otal Investment Limited. (jco, ) (Entered: 08/10/2005)
08/09/2005	138	BRIEF in support of Clary's motion in limine regarding the Application of The Brussels Collision Convention of 1910. Document filed by Clary Shipping PTE Ltd..(jco, ) (Entered: 08/10/2005)
08/09/2005	139	REPLY Brief to claimants' and plaintiff and third-party plaintiff's opposition to the motion in Limine regarding the application of the Brussels Collision convention of 1910. Document filed by Clary Shipping PTE Ltd. (jco, ) (Entered: 08/10/2005)
09/29/2005	141	MEMORANDUM AND OPINION #92218 re: 136 MOTION (FILED ON SERVICE DATE) filed by Clary Shipping PTE Ltd., MST Mineralien Schifffahrt Spedition Und Transport GmbH, Mineral Shipping Co. Private Ltd. Clary Interests' motion is granted. The Clerk of the Court is instructed to close these motions and any open motions. The trial to determine liability will begin 10/17/05 at 9:30 a.m. So Ordered. (Signed by Judge Harold Baer on 9/29/05) (jco, ) Modified on 10/5/2005 (sao, ). (Entered: 09/30/2005)
10/03/2005	142	ENDORSED LETTER addressed to Judge Baer from John Kimball dated 9/30/05: re impending settlement and request to adjourn the pretrial order date: Fine w me, 10/5 by noon. (Signed by Judge Harold Baer on 9/30/05) (cd, ) (Entered: 10/05/2005)
10/05/2005	143	TRIAL DECLARATION of Otal Investments Limited. Document filed by Otal Investment Limited, Otal Investment Limited(as Ownerof the M/V Kariba, for Exoneration from of Limitation of Liability). (dj, ) (Entered: 10/06/2005)
10/07/2005	144	CERTAIN CARGO CLAIMANTS' PRE-TRIAL MEMORANDUM OF LAW. (dj, ) (Entered: 10/11/2005)
10/07/2005	145	LIMITED'S PRETRIAL MEMORANDUM. Document filed by Otal Investment Limited.(dj, ) (Entered: 10/11/2005)
10/07/2005	146	PRE-TRIAL BRIEF. Document filed by Clary Shipping PTE Ltd., Mineral Shipping Co. Private Ltd., MST Mineralien Schifffahrt Spedition Und Transport GmbH, M.V. Clary.(dj, ) (Entered: 10/11/2005)
10/11/2005	147	DECLARATION on behalf of the M/V Tricolor. Document filed by M/V Tricolor. (jmi, ) (Entered: 10/13/2005)
10/12/2005	148	DECLARATION of Eugene J. Hickey, Jr. (jco, ) (Entered: 10/13/2005)
10/12/2005	149	DECLARATION of Igor Tonicic. (jco, ) (Entered: 10/13/2005)
10/12/2005	150	DECLARATION of Brian F. Boyce. (jco, ) (Entered: 10/13/2005)
10/13/2005	151	ENDORSED LETTER addressed to Mr. Dennis Swain from Alan M. Weigel dated 10/11/05 re: a request that the parties be allowed to bring certain items to Court as described in this letter. ENDORSEMENT: All the above being thought necessary by the lawyers trying the case--it's agreeable with the Court. (Signed by Judge Harold Baer on 10/12/05) (kco, ) (Entered: 10/14/2005)
10/17/2005		Minute Entry for proceedings held before Judge Harold Baer : Bench Trial begun on 10/17/2005. (pl, ) (Entered: 10/28/2005)
10/18/2005		Minute Entry for proceedings held before Judge Harold Baer : Bench Trial held on 10/18/2005. (pl, ) (Entered: 10/28/2005)
10/19/2005		Minute Entry for proceedings held before Judge Harold Baer : Bench Trial held on 10/19/2005. (pl, ) (Entered: 10/28/2005)
10/20/2005		Minute Entry for proceedings held before Judge Harold Baer : Bench Trial held on 10/20/2005. (pl, ) (Entered: 10/28/2005)
10/21/2005		Minute Entry for proceedings held before Judge Harold Baer : Bench Trial held on 10/21/2005. Summations will take place 11/23/05. O&A on briefs wil take place on 12/12/05; Total trial days (5). (pl, ) (Entered: 10/28/2005)
10/24/2005	152	ENDORSED LETTER: addressed to Judge Harold Baer from Roman Badiak dated 10/13/2005 re: attorneys for some of the cargo claimants are requesting permission to bring in a Dell Inspiron 4000 Computer for trial. ENDORSEMENT: This request is a little late but its OK with me. (Signed by Judge Harold Baer on 10/15/2005) (lb, ) (Entered: 10/25/2005)
10/24/2005	153	STIPULATION AND ORDER OF DISMISSAL, The cargo loss or damage claims filed against plaintiff and third-party plaintiff Otal Investments Limited ("Otal") in this matter by the calimants listed on Annex A hereto who are represented by Hill Rivkins & Hayden, LLP ("HR Claimants") having been settled, the said claims against Otal shall be and they hereby are dismissed with prejudice and without costs, provided, however, that (1) this order is without prejudice to claims of HR

		Claimants filed in Ota's limitation of liability proceeding in Antwerp, which remain in existence to the extent provided by Belgian law; (2) this order shall be without prejudice to the rights of the HR Claimants to file the said cargo loss or damage claims in Ota's limitation of liability proceeding in Antwerp, Belgium, to the extent that they have not been filed already, to the extent permitted by Belgian law; (3) the order entered herein on June 13, 2003 enjoining the HR Claimants from filing their claims in any other proceeding shall be and hereby is modified to allow the HR Claimants to file their claims in Ota's limitation of liability proceeding in Antwerp, Belgium' and (4) this order shall be without prejudice to Ota's rights as third-party plaintiff and the rights of the HR claimants to prosecute the claims filed by them in this action against third-party defendants Capital Bank Public Limited Company, Actinor Car Carrier I AS, WILH. Wilhelmsen ASA, Wallenius Wilhelmsen Lines AS, Clary Shipping PTE, Ltd., MST Mineralien Schiffahrt Spedition and Transport GmbH, Mineral Shipping Co Private Ltd. and M.V. Clary, in rem or any defenses the said third-party defendant may have to the claims. (Signed by Judge Harold Baer on 10/19/05) (dt, ) (Entered: 10/27/2005)
11/16/2005	154	TRANSCRIPT of proceedings held on 10/21/2005 before Judge Harold Baer. (jbe, ) (Entered: 11/16/2005)
11/16/2005	155	TRANSCRIPT of proceedings held on 10/17 thru 10/20, 2005 before Judge Harold Baer. (jbe, ) (Entered: 11/16/2005)
11/23/2005	156	POST TRIAL MEMORANDUM. Document filed by Ota Investment Limited.(jco, ) (Entered: 11/28/2005)
11/23/2005	157	POST TRIAL MEMORANDUM. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA.(jco, ) (Entered: 11/28/2005)
11/23/2005	158	POST TRIAL MEMORANDUM. Document filed by Cargo Claimants'.(jco, ) (Entered: 11/28/2005)
11/23/2005	159	POST TRIAL MEMORANDUM in rem. Document filed by Clary Shipping PTE Ltd..(dj, ) (Entered: 11/28/2005)
12/22/2005	160	ENDORSED LETTER: addressed to Judge Harold Baer, Jr. from John D. Kimball dated 12/20/2005. ENDORSEMENT: While I share Messrs. Hooper and Cohen's concerns, I am prepared to take 5 more pages of your prose, although as is said there is unlikely to be much new, and I'm not taking others and I want yours here by 12/27/2005 or don't bother. (Signed by Judge Harold Baer on 12/21/2005) (lb, ) (Entered: 12/22/2005)
12/27/2005	161	POST TRIAL REPLY MEMORANDUM. Document filed by Ota Investment Limited, Ota Investment Limited(as Ownerof the M/V Kariba, for Exoneration from of Limitation of Liability).(dj, ) (Entered: 12/28/2005)
12/29/2005	162	TRANSCRIPT of proceedings held on October 17, 18, 19 2005 before Judge Harold Baer. (lma, ) (Entered: 12/29/2005)
12/29/2005	163	TRANSCRIPT of proceedings held on 10/20 and 10/21 2005 before Judge Harold Baer. (lma, ) (Entered: 12/29/2005)
01/04/2006	164	MEMORANDUM AND OPINION AND JUDGMENT. Accordingly, the cause of the collision was the sole and exclusive fault of the Kariba. The Tricolor and Clary share no portion of liability for the collision. The clerk of the court is instructed to close any open motions. The parties will present the Court with a proposed schedule to address the damages claims on or before 1/15/06. So Ordered. (Signed by Judge Harold Baer on 1/4/06) (jco, ) Modified on 2/6/2006 (ml, ). (Entered: 01/04/2006)
01/04/2006		Transmission to Judgments and Orders Clerk. Transmitted re: 164 Memorandum & Opinion, to the Judgments and Orders Clerk. (jco, ) (Entered: 01/04/2006)
01/06/2006	165	AMENDED OPINION & ORDER AND JUDGMENT; accordingly, the cause of the collision was the sole and exclusive fault of the Kariba. The Tricolor and Clary share no portion of liability for the collision. The clerk of the court is instructed to close any open motions. The parties will present the Court with a proposed schedule to address the damages claims on or before 1/15/06. (Signed by Judge Harold Baer on 1/10/06) (sac, ) Modified on 2/6/2006 (ml, ). (Entered: 01/09/2006)
01/11/2006	166	STIPULATION AND ORDER OF DISMISSAL, The claims filed against plaintiff and third-party plaintiff Ota Investments Limited in this matter having been settled, all of the claims against Ota Investments, Ltd. of the claimants listed on Appendix A hereto who are represented by Bennett, Giuliano, McDonnell & Perrone, LLP shall be and they hereby are dismissed with prejudice and without costs. This order shall be without prejudice to Ota's rights as third-party plaintiff and the rights of "BGMP Cargo" claimants to prosecute the claims filed by them in this action against third-party defendants Capital Bank Public Limited Company, Actinor Car Carrier I AS, with Wilhelmsen ASA, Wallenius Lines AS, Clary Shipping PTE Ltd., MST Mineralien Schiffahrt Spedition and Transport GmbH, Mineral Shipping Co. Private Ltd. and M.V. Clary, in rem or any defenses the said third-party defendants may have to the claims. (Signed by Judge Harold Baer on 1/10/06) Filed In Associated Cases: 1:03-cv-04304-HB-DFE,1:03-cv-09962-HB,1:04-cv-01107-HB(dt, ) (Entered: 01/12/2006)
01/11/2006	167	STIPULATION AND ORDER OF DISMISSAL, The claims filed against plaintiff and third-party plaintiff Ota Investments Limited in this matter having been settled, all of the claims against Ota Investments, Ltd. of the claimants listed on Appendix A hereto who are represented by Badiak, Will & Raddy, LLP shall be and they hereby are dismissed with prejudice and without costs. This order shall be without prejudice to Ota's rights as third-party plaintiff and the rights of "BWR Cargo" claimants to prosecute the claims filed by them in this action against third-party defendants Capital Bank Public Limited Company, Actinor Car Carrier I AS, with Wilhelmsen ASA, Wallenius Lines AS, Clary Shipping PTE Ltd., MST Mineralien Schiffahrt Spedition and Transport GmbH, Mineral Shipping Co. Private Ltd. and M.V. Clary, in rem or any defenses the said third-party defendants may have to the claims. (Signed by Judge Harold Baer on 1/10/06) (dt, ) (Entered: 01/12/2006)
01/11/2006	168	STIPULATION AND ORDER OF DISMISSAL, The claims filed against plaintiff and third-party plaintiff Ota Investments Limited in this matter having been settled, all of the claims against Ota Investments, Ltd. of the claimants listed on Appendix A hereto who are represented by Burke & Parsons shall be and they hereby are dismissed with prejudice and without costs. This order shall be without prejudice to Ota's rights as third-party plaintiff and the rights of "Augusta Cargo" claimants to prosecute the claims filed by them in this action and in Belgium against third-party defendants Capital Bank



		Public Limited Company, Actinor Car Carrier I AS, with Wilhemsen ASA, Wallenius Lines AS, Clary Shipping PTE Ltd., MST Mineralien Schifffahrt Spedition and Transport GmbH, Mineral Shipping Co. Private Ltd. and M.V. Clary, in rem or any defenses the said third-party defendants may have to the claims. (Signed by Judge Harold Baer on 1/10/06) (dt, ) (Entered: 01/12/2006)
01/18/2006	169	ENDORSED LETTER addressed to Judge Baer from Chester Hooper dated 1/13/06: re submission of bills of costs and judgment: 1/31/06, is an agreeable date should you fail to reach a mutually agreed to number. (Signed by Judge Harold Baer on 1/17/06) (cd, ) (Entered: 01/19/2006)
02/02/2006	170	NOTICE OF APPEAL from 165 Memorandum & Opinion,, 141 Memorandum & Opinion,, Document filed by Otal Investment Limited, Otal Investment Limited(as Ownerof the M/V Kariba, for Exoneration from of Limitation of Liability), Otal Investment Limited(as Ownerof the M/V Kariba, for Exoneration from of Limitation of Liability). Filing fee \$ 255.00, receipt number E 569177. Copies of Notice of Appeal mailed to Attorney(s) of Record: Holland & Knight LLP, Vandeventer Black LLP, Hill Rivkins & Hayden LLP, Badiak Will & Ruddy LLP, Burke & Parsons LLP and Sheinbaum, Bennett, Giuliano & McDonnell LLP. (nd, ) (Entered: 02/06/2006)
02/06/2006		Transmission of Notice of Appeal to the District Judge re: 170 Notice of Appeal,, (nd, ) (Entered: 02/06/2006)
02/06/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 170 Notice of Appeal,, (nd, ) (Entered: 02/06/2006)
02/07/2006	171	NOTICE OF APPEAL from 165 Memorandum & Opinion,, Document filed by John Deere Werke Mannheim, Lloyd's Syndicate and Deere & Co., Timberjack AB Harvester Plant, John Deere Construction, Brad Bowers, Volvo Car Corporation, Volvo Cars of North America, Zurich International, CNA Maritime, IFP&C Insurance, Forsakringsbolaget, Navigators Insurance, Euro Machinery, Superior Used Equipment, AXA-UK, AXA-Canada, Wilco Machinery, FCI Equipment, Telco, AIS Construction, Stevenson Equipment, Aring Equipment, Komatsu Utility, Komatsu America Corporation, Komatsu America International, The Tokio Marine and Fire Insurance, Nacco Materials, Nacco Materials, ACE USA, Roundo AB, Samuel Shapiro, Sandvik SRP, Aggregate Crusher Spec., Hansson Aggregates, Lanini SpA, Landini USA and Fireman's Fund, Bayerische Motoren Werke, BMW of North America LLC, Haftpflichtverband, XL Winterthur Int'l, AIG Europe, DBV Winterthur, Gerling Allgemeine, AXA Corporate, and Allianz Marine & Aviation, Saab Automobile AB, SAAB Cars USA Inc., Allianz Marine & Aviation Versicherungs AG, Zurich Global Energy, and American International Marine Agency, United Services Automobile Association, ASI Auto Shipment GmbH, Charles Broomfield, Morgan Moon, Ted L. Rausch Co., E.H. Harms GMBH & Co., Patricia York. Filing fee \$ 255.00, receipt number E 569554. Copies of Notice of Appeal mailed to Attorney(s) of Record: Healy & Baillie LLP, Badiak Will & Ruddy, LLP, Bennett, Giuliano, McDonnalld & Perrone, LLP, Burke & Parsons, and Vandeventer, Black, L.L.P. (nd, ) (Entered: 02/08/2006)
02/08/2006		Transmission of Notice of Appeal to the District Judge re: 171 Notice of Appeal. (nd, ) (Entered: 02/08/2006)
02/08/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 171 Notice of Appeal. (nd, ) (Entered: 02/08/2006)
02/08/2006	172	ENDORSED LETTER: addressed to J. Michael McMahon from John D. Kimball dated 1/31/2006. ENDORSEMENT: I will wait to see if there is any response to your proposed judgment and for now I will not enter any judgment i.e. the next 10 days so any counter-judgment best be here shortly and in any event I will save costs for a further endorsement. (Signed by Judge Harold Baer on 2/6/2006) (lb, ) (Entered: 02/08/2006)
02/14/2006	173	NOTICE OF APPEAL from 165 Memorandum & Opinion, 141 Memorandum & Opinion. Document filed by Zurich Insurance Co., Alpina Insurance Co., Gerling Insurance Co., David Green Hill, Liebherr-Werk Nenzig GMBH, Liebherr America, Inc., E.H. Harms GMBH & Co., BMW of North America LLC. Filing fee \$255.00, receipt number E 569990. Copies of Notice of Appeal mailed to Attorney(s) of Record: Healy & Baillie, LLP; Holland & Knight, LLP; Vandeventer Black LLP; Burke & Parsons, LLP; Bennet, Giuliano, McDonnell & Perrone, LLP. (tp, ) (Entered: 02/15/2006)
02/15/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 173 Notice of Appeal. (tp, ) (Entered: 02/15/2006)
02/15/2006		Transmission of Notice of Appeal to the District Judge re: 173 Notice of Appeal. (tp, ) (Entered: 02/15/2006)
02/16/2006	174	NOTICE OF APPEAL from 165 Memorandum & Opinion,, Document filed by Augusta Assicurazioni S.p.A., CNH Italia S.p.A., CNH Trade N.V., New Holland North America Inc., Fedex Trade Networks Transport & Brokerage, Inc., O&K Orenstein & Koppel A.G., Case Corporation and Tower Group International. Filing fee \$ 255.00, receipt number E 570346. Copies of Notice of Appeal mailed to Attorney(s) of Record: Healy & Baillie, LLP, Badiak Will & Ruddy, LLP, Hill, Rivkins and Hayden, Vandeventer, Black, L.L.P., Holland & Knight LLP, and Sheinbaum, Bennett, Giuliano & McDonnell, LLP. (nd, ) (Entered: 02/16/2006)
02/16/2006		Transmission of Notice of Appeal to the District Judge re: 174 Notice of Appeal,, (nd, ) (Entered: 02/16/2006)
02/16/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 174 Notice of Appeal,, (nd, ) (Entered: 02/16/2006)
02/16/2006	175	JUDGMENT that Otal is solely and exclusively liable for the collision and Tricolor Interests and Clary Interest have no liability for the collision; claims filed by Otal against Clary Interest for damages suffered by M/V Kariba and loss of income are dismissed with prejudice; Cargo claims described in Appendix A and B of this judgment against Clary Interests are dismissed with prejudice; Cargo claims described in Appendix B to this Judgment against Tricolor interest are dismissed with prejudice; the defaults of all persons and corporations claiming against Otal Interest in the United States for losses, damages, injuries and destruction arising out of the voyage of M/V Kariba which ended on about 12/14/02 following a



		collission with the M/V Tricolor are noted and they are enjoined and restrained; and the Club letter of undertaking is canceled of record.. (Signed by Judge Harold Baer on 2/15/06) Filed In Associated Cases: 1:03-cv-04304-HB-DFE,1:03-cv-09962-HB,1:04-cv-01107-HB(ml, ) (Entered: 02/16/2006)
02/17/2006		Mailed notice of Right to Appeal re: 175 Judgment, and to Attorney(s) of Record: Roman Badiak, Lawrence G. Cohen, Nicholas Philip Giuliano, Raymond P. Hayden, Keith Wayne Heard, Chester D. Hooper, John D. Kimball, Kipp Charles Leland, Francesca Morris, John Eric Olson, Jr, James T. Shirley, Jr, Alan M. Weigel. (lma, ) (Entered: 02/17/2006)
03/01/2006		Received returned mail re: 175 Judgment. Mail was addressed to Keith Wayne Heard of Burke & Parsons at 1114 Avenue of the Americas, New York, NY 10036 and was returned for the following reason(s): not deliverable as addressed. (tve, ) (Entered: 03/06/2006)
03/02/2006	176	MOTION (FILED ON SERVICE DATE) for an order amending the court's judgment dated 2/15/06. Document filed by Otal Investment Limited. Filed In Associated Cases: 1:03-cv-04304-HB-DFE,1:03-cv-09962-HB,1:04-cv-01107-HB(dle, ) (Entered: 03/03/2006)
03/02/2006	177	MEMORANDUM OF LAW in Support re: 176 MOTION (FILED ON SERVICE DATE) to Amend/Correct.. Document filed by Otal Investment Limited. (dle, ) (Entered: 03/03/2006)
03/06/2006	178	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from Lawrence G. Cohen dated 2/21/2006 re: to the judgment in the captioned matter filed February 16,2006 and received by us today. We note that in paragraph six you have stricken lines four and five of the Healy & Baillie draft dated January 27,2006 but that you did not strike the carryover line onto page five which states " exception of costs up to the amount of \$250.00.ENDORSEMENT: Judge Baer intended to strike the carryover lines on page 5 of the judgement. Parties should note that cases shall be faxed by the Clerk of the Court in the first instance. So Ordered. (Signed by Judge Harold Baer on 2/24/2006) (jmi, ) (Entered: 03/06/2006)
03/20/2006	179	MEMORANDUM OF LAW in Opposition re: 176 MOTION (FILED ON SERVICE DATE) to Amend/Correct.. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA, Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA. (dle, ) (Entered: 03/21/2006)
03/22/2006	180	MEMORANDUM OF LAW in Opposition re: 176 MOTION to Amend/Correct. Document filed by Clary Shipping PTE Ltd., Mineral Shipping Co. Private Ltd., MST Mineralien Schifffahrt Spedition Und Transport GmbH. (db, ) (Entered: 03/23/2006)
03/27/2006	181	MEMORANDUM OF LAW in REPLY to Tricolor's and Clary's Opposition to Plaintiff and Third-Party Plaintiff Otal Investments Limited's Motion to Amend The Judgment. Document filed by Otal Investment Limited, Otal Investment Limited(as Ownerof the M/V Kariba, for Exoneration from of Limitation of Liability), Otal Investment Limited(as Ownerof the M/V Kariba, for Exoneration from of Limitation of Liability). (jmi, ) (Entered: 03/29/2006)
04/07/2006	182	ORDER; since the Court fully considered the arguments presented by both parties before entering Judgment in this case, this motion is denied. The Clerk of the Court is directed to close any open motions and remove this case from my docket. (Signed by Judge Harold Baer on 4/7/06) (kco, ) (Entered: 04/07/2006)
04/07/2006		Transmission to Judgments and Orders Clerk. Transmitted re: 182 Order., to the Judgments and Orders Clerk. (kco, ) (Entered: 04/07/2006)
04/24/2006	183	AMENDED NOTICE OF APPEAL re: 170 Notice of Appeal,, 165 Memorandum & Opinion,, 175 Judgment,,, Document filed by Otal Investment Limited, Otal Investment Limited(as Ownerof the M/V Kariba, for Exoneration from of Limitation of Liability), Otal Investment Limited(as Ownerof the M/V Kariba, for Exoneration from of Limitation of Liability). Copies of Amended Notice of Appeal mailed to Attorney(s) of Record: Badiak Will & Ruddy, LLP, Bennett, Giuliano, McDonnalld & Perrone, LLP, Hill,Rivkins and Hayden, Burke & Parsons, Vandeventer, Black, L.L.P. and Holland & Knight LLP. (nd, ) (Entered: 04/24/2006)
04/24/2006		Transmission of Notice of Appeal to the District Judge re: 183 Amended Notice of Appeal,, (nd, ) (Entered: 04/24/2006)
04/24/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 183 Amended Notice of Appeal,, (nd, ) (Entered: 04/24/2006)
05/04/2006	184	AMENDED NOTICE OF APPEAL re: 171 Notice of Appeal, 165 Memorandum & Opinion, 175 Judgment, 141 Memorandum & Opinion. Document filed by John Deere Werke Manheim, et al. Copies of Amended Notice of Appeal mailed to Attorney(s) of Record: Healy & Baillie, LLP; Holland & Knight, LLP; Vandeventer Black, LLP; Badiak Will & Ruddy, LLP; Burke & Parsons, LLP; and Sheinbaum, Bennett, Giuliano & McDonnell, LLP. (tp, ) (Entered: 05/05/2006)
05/05/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 184 Amended Notice of Appeal. (tp, ) (Entered: 05/05/2006)
05/05/2006		Transmission of Notice of Appeal to the District Judge re: 184 Amended Notice of Appeal. (tp, ) (Entered: 05/05/2006)
05/09/2006	185	AMENDED NOTICE OF APPEAL re: 174 Notice of Appeal, 165 Memorandum & Opinion, 175 Judgment, 141 Memorandum & Opinion. Document filed by Augusta Assicurazioni S.p.A., CNH Italia S.p.A., CNH Trade N.V., New Holland North America Inc., Fedex Trade Networks Transport & Brokerage, Inc., O&K Orenstein & Koppel A.G., Case Corporation and Tower Group International. Copies of Amended Notice of Appeal mailed to Attorney(s) of Record: Holland Knight, LLP; Vandeventer Black, LLP; Healy & Baillie, LLP; Hill Rivkins & Hayden LLP; Badiak Will & Ruddy LLP; Sheinbaum, Bennett, Giuliano & McDonnell, LLP.(tp, ) (Entered: 05/10/2006)

05/10/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 183 Amended Notice of Appeal.(tp, ) (Entered: 05/10/2006)
05/10/2006		Transmission of Notice of Appeal to the District Judge re: 185 Amended Notice of Appeal.(tp, ) (Entered: 05/10/2006)
05/15/2006	186	AMENDED NOTICE OF APPEAL re: 173 Notice of Appeal,, 165 Memorandum & Opinion,, 175 Judgment, 141 Memorandum & Opinion,. Document filed by Zurich Insurance Co., Alpina Insurance Co., Gerling Insurance Co., David Green Hill, Liebherr-Werk Nenzig GMBH, Liebherr America, Inc., E.H. Harms GMBH & Co., BMW of North America LLC. Copies of Amended Notice of Appeal mailed to Attorney(s) of Record: Healy & Baillie, LLP; Holland & Knight, LLP; Vandeveter Black LLP; Burke & Parsons, LLP; Bennet, Giuliano, McDonnell & Perrone, LLP. (nd, ) (Entered: 05/15/2006)
05/15/2006		Transmission of Notice of Appeal to the District Judge re: 186 Amended Notice of Appeal,, (nd, ) (Entered: 05/15/2006)
05/15/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 186 Amended Notice of Appeal,, (nd, ) (Entered: 05/15/2006)
06/20/2006	187	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for 186 Amended Notice of Appeal,, filed by Zurich Insurance Co., Alpina Insurance Co., Gerling Insurance Co., USCA Case Number 06-0581, 06-0675, 06-0789, 06-0790, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (nd, ) Additional attachment(s) added on 6/23/2006 (tp, ). (Entered: 06/20/2006)
06/27/2006	188	STIPULATION AND ORDER that purs. to Fed. R. App. P. Rule 10(e)(2), the documents attached as exhibits A through P are each to be entered on the court's docket and become part of the court's record in this matter. (Signed by Judge Harold Baer on 6/26/06) (dle, ) (Entered: 06/27/2006)
10/23/2006	189	NOTICE OF CHANGE OF ADDRESS by John Devereux Kimball on behalf of Otal Investment Limited. New Address: Blank Rome LLP, Chrysler Building, 405 Lexington Avenue, New York, New York, 10174-0208, (212) 885-5500. (pl, ) (Entered: 10/24/2006)
08/24/2007	190	MANDATE of USCA (Certified Copy) as to 184 Amended Notice of Appeal, 185 Amended Notice of Appeal,, filed by Augusta Assicurazioni S.p.A., O&K Orenstein & Koppel A.G., CNH Trade N.V., New Holland North America Inc., Case Corporation and Tower Group International, Fedex Trade Networks Transport & Brokerage, Inc., CNH Italia S.p.A., 183 Amended Notice of Appeal,, filed by Otal Investment Limited, 174 Notice of Appeal,, filed by Augusta Assicurazioni S.p.A., O&K Orenstein & Koppel A.G., CNH Trade N.V., New Holland North America Inc., Case Corporation and Tower Group International, Fedex Trade Networks Transport & Brokerage, Inc., CNH Italia S.p.A., 170 Notice of Appeal,, filed by Otal Investment Limited, 171 Notice of Appeal,, 173 Notice of Appeal,, filed by Liebherr-Werk Nenzig GMBH, Gerling Insurance Co., Zurich Insurance Co., Liebherr America, Inc., BMW of North America LLC, Alpina Insurance Co., E.H. Harms GMBH & Co., David Green Hill, 186 Amended Notice of Appeal,, filed by Gerling Insurance Co., Zurich Insurance Co., Alpina Insurance Co. USCA Case Number 06-0591-cv(L); 06-0675-cv(CON); 06-0789-cv(CON); 06-0790-cv(CON). Ordered, Adjudged and Decreed that the judgment of the District Court is REVERSED and REMANDED. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 8/2/07. (tp) (Entered: 08/24/2007)
08/24/2007		Transmission of USCA Mandate/Order to the District Judge re: 190 USCA Mandate.(tp) (Entered: 08/24/2007)
09/12/2007	191	LETTER addressed to John D. Kimball from Judge Harold Baer, Jr. dated 9/12/07 re: pretrial conference on 10/4/07 in Room 2230, 500 Pearl Street. (dle) (Entered: 09/13/2007)
10/23/2007	192	ENDORSED LETTER addressed to Judge Harold Baer from John Kimball dated 10/9/07 re: Counsel for the Tricolor and Clary interests not agreeing that Judge Baer should withdraw from the case, as offered by Judge Baer. ENDORSEMENT: Denied. (Signed by Judge Harold Baer on 10/22/07) (cd) (Entered: 10/24/2007)
01/11/2008	194	MEMORANDUM OF LAW Concerning Issues to be Decided on Remand from the United States Court of Appeals for the Second Circuit. Document filed by Otal Investment Limited. (dj) (Entered: 01/17/2008)
01/11/2008	195	BRIEF After Remand by the United States Court of Appeals for the Second Circuit. Document filed by Wallenius Wilhelmsen Lines AS, Actinor Car Carrier I As, Capital Bank Public Limited Company, Wilh. Wilhelmsen ASA.(dj) (Entered: 01/17/2008)
01/11/2008	196	MEMORANDUM OF LAW in response to Clary's and Tricolor's Briefs Concerning Issues to be decided on Remand from the United States Court of Appeals for the Second Circuit. Document filed by Otal Investment Limited. (dj) (Entered: 01/17/2008)
01/11/2008	207	REPLY BRIEF AFTER REMAND BY THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT. Document filed by Actinor Car Carrier I As, Capital Bank Public Limited Company, Wallenius Wilhelmsen Lines AS, Wilh. Wilhelmsen ASA. (dle) (Entered: 04/21/2008)
01/14/2008	193	AFFIDAVIT OF SERVICE of Initial and Reply Briefs on remand on behalf of Tricolor Interests, Appendices A & B, Tricolor's turning circle and the transcript of Captain Stokvik's deposition served on parties listed in Affidavit on 1/11/2008 and 1/14/2008. Service was made by email, UPS and by hand. (jar) (Entered: 01/15/2008)
01/14/2008	197	Statement of the Augusta Claimants Regarding Issues to be Decided by the District Court on Remand. Document filed by Augusta Assicurazioni S.p.A., CNH Italia S.p.A., CNH Trade N.V., New Holland North America Inc., Fedex Trade Networks Transport & Brokerage, Inc., O&K Orenstein & Koppel A.G., Case Corporation and Tower Group International. (dj) (Entered: 01/18/2008)

01/14/2008	199	Statement of Cargo Claimants regarding issues remaining to be decided by the District Court on Remand. Document filed by Zurich Insurance Co., Alpina Insurance Co., Gerling Insurance Co. (pl) (Entered: 01/23/2008)
01/14/2008	200	MEMORANDUM OF LAW REGARDING ISSUES REMAINING TO BE DECIDED BY THE DISTRICT COURT ON REMAND. Document filed by Alpina Insurance Co., Gerling Insurance Co., ASI Auto Shipment GmbH. (pl) (Entered: 01/23/2008)

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07/08/2008	AFFIDAVIT OF SERVICE of Amended Notice of Appeal and forms C and D served on United Services Automobile Association, ASI Auto Shipment GmbH, Charles Broomfield, Morgan Moon, on 7/2/08. Service was accepted by Martin Caban. Document filed by Otal Investment Limited. (pl) (Entered: 07/09/2008)
07/08/2008	AFFIDAVIT OF SERVICE of Amended Notice of Appeal and forms C and D served on O&K Orenstein & Koppel A.G., Case Corporation and Tower Group International, on 7/2/08. Service was accepted by Jayson Cofield, Clerk. Document filed by Otal Investment Limited. (pl) (Entered: 07/09/2008)
07/08/2008	AFFIDAVIT OF SERVICE of Amended Notice of Appeal and forms C and D served on Otal Investment Limited on 7/2/08. Service was accepted by Otal Investment Limited. Document filed by Otal Investment Limited. (pl) (Entered: 07/09/2008)
07/08/2008	AFFIDAVIT OF SERVICE of Amended Notice of Appeal and forms C and D served on N.V. Fortis Corporate Insurance, on 7/2/08. Service was accepted by Nicholas P. Giuliano, Esq.. Document filed by Otal Investment Limited. (pl) (Entered: 07/09/2008)
07/24/2008	Received returned mail re: Transmission of Notice of Appeal and Docket Sheet to USCA. of Badiak Will & Ruddy LLP at 120 Broadway, Suite 1040, New York 10271-1040 and was returned for the following reason(s): Returned to Sender. (ama) (Entered: 07/03/2008)